REMARKS

In light of the following remarks and above amendments, reconsideration and allowance of this application are respectfully requested.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 22-33, 53-55 and 57-60, and amended claim 52 are in this application. Claim 56 has been canceled herein.

The Examiner stated that claims 22-33 are allowed. Applicants appreciate the Examiner's indication of the allowance of claims 22-33.

The Examiner rejected claims 52 and 55-58 under 35 U.S.C. § 103(a) as being unpatentable over a Japanese Patent Application by NEC (JPO 09233093A, hereinafter "NEC").

Amended independent claim 52, as presented herein, recites in part as follows:

> "Wireless transmission system comprising...
> a plurality of fixed hubs...wherein...
> **there is no handover between said fixed hubs**." (Underlining and Bold added for emphasis.)

It is respectfully submitted that NEC fails to teach the above-recited limitation of amended independent claim 52.

At page 4 of the present Office Action, regarding claim 56, the Examiner stated that "the NEC document does not support the hand-over between fixed hubs." Therefore, amended independent claim 52 is believed to be distinguishable over NEC.

Furthermore, applicants submit that claims 55-58 depend from amended independent claim 52, and are therefore distinguishable for at least this reason.

Applicants therefore respectfully request the rejection of claims 52 and 55-58 under 35 U.S.C. §103(a) be withdrawn.

The Examiner rejected claims 53 and 54 under 35 U.S.C. § 103(a) as being unpatentable over NEC in view of Fischer et al. (U.S. Patent No. 6,360,075).

Claims 53 and 54 depend from amended independent claim 52, and, due to such dependency, are also believed to be distinguishable from NEC for at least the reasons previously described. The Examiner does not appear to rely on Fischer to overcome the above-identified deficiencies of NEC. Therefore, claims 53 and 54 are believed to be distinguishable from the applied combination of NEC and Fischer.

Applicants therefore respectfully request the rejection of claims 53 and 54 under 35 U.S.C. §103(a) be withdrawn.

The Examiner rejected claims 59 and 60 under 35 U.S.C. § 103(a) as being unpatentable over NEC in view of Kawamoto et al. (U.S. Patent No. 6,341,133).

Claims 59 and 60 depend from amended independent claim 52, and, due to such dependency, are also believed to be distinguishable from NEC for at least the reasons previously described. The Examiner does not appear to rely on Kawamoto to overcome the above-identified deficiencies of NEC. Therefore, claims 59 and 60 are believed to be distinguishable from the applied combination of NEC and Kawamoto.

Applicants therefore respectfully request the rejection of claims 59 and 60 under 35 U.S.C. §103(a) be withdrawn.

Furthermore, at page 4 of the present Office Action the Examiner took Official Notice that "the use of 60 GHz frequency range for high bit rate data transmission " is well known in the art and widely used in Europe and Japan. In other words, the Examiner does not cite a reference that discloses, such use of 60 GHz frequency range for high bit rate data transmission. Instead, the Examiner appears to assert that the feature of claim 58 would have been obvious. In this regard, reference is made to In re Pardo and Landau, (214 USPQ 673) in which the Court states at page 677:

"Assertions of technical facts in areas of esoteric technology must always be supported by citation to some reference work recognized as standard in the pertinent art and the applicant given, in the Patent Office, the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference."

In view of In re Pardo and Landau, it is believed to be improper for the Examiner to fail to cite a reference, which specifically describes the feature of claim 58.

Applicants therefore respectfully request the rejection of claim 58 under 35 U.S.C. §103(a) be withdrawn.

In the event, that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

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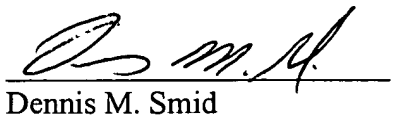
By: 

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